

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of Valatie  
~~Town~~  
Village

Local Law No. 2 of the year 2008

A local law amending Article 11 of the Village of Valatie Zoning Code concerning the Residence Senior Citizen District within the Village of Valatie.

Be it enacted by the Village Board of Trustees of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Valatie as follows:  
~~Town~~  
Village

Section 1. Legislative History

The Village Board of Trustees of the Village of Valatie finds it necessary to make a revision to the existing zoning law. In enacting this zoning revision it is the intent of the Village Board of Trustees to require residents seeking to reside in a senior housing facility to be the age of 55 years old, in accordance with NYS guidelines. The Village Board of Trustees further recognizes the nature and scope of the resources available in the Village of Valatie, as well as the need to balance the preservation of natural resources with the need to provide opportunities for affordable senior housing within the Village of Valatie. The Village Board of Trustees further finds that permitting the Senior Residence District within each of the Zoning Districts of the Village of Valatie, and eliminating the minimum acreage requirement, when utilized in conjunction with existing provisions of the Zoning Law, will assist in the development of suitable parcels within the Village of Valatie for affordable senior housing, while assisting with the orderly development of residential housing within the Village of Valatie in keeping with traditional hamlet development.

Furthermore, in undertaking review of the Zoning law, the Village of Valatie herein finds that these minor amendments to the Zoning Law are necessary for the health, welfare and benefit of Village residents.

Section 2. Be it enacted by the Village Board of Trustees of the Village of Valatie that the Zoning Law be hereby amended as follows:

§130-56. Establishment.

The Residence Senior District Uses shall be permitted, subject to the restrictions and regulations of this Article, within each of the Zoning Districts located within the Village of Valatie.

§130-57. Permitted Uses; special restrictions and regulations.

Residence Senior District uses and special restrictions and regulations applying thereto shall be as follows:

- A. In a Residence Senior Citizen District, no building, premises or part thereof shall be used, erected, altered or occupied, except for the dwelling units especially designed for senior citizens and handicapped persons.
- B. Occupancy within a Residence Senior Citizen District is limited to elderly or handicapped families and to handicapped persons, as defined and discussed below.

(1) An “elderly or handicapped family” means:

- (a) Families of two (2) or more persons, the head of which (or his or her spouse) is fifty-five (55) years of age or over or is handicapped;
- (b) The surviving member or members of any family described in Subsection B(1)(a) above, living in a Residence Senior Citizen District with the deceased member of the family at the time of his or her death;
- (c) A single person who is fifty-five (55) years of age or over or a nonelderly handicapped person between the ages of eighteen (18) and fifty-five (55); or
- (d) Two (2) or more elderly or handicapped persons living together, or one (1) or more such persons living with another person who provides essential care to said elderly or handicapped persons based upon a certification of such by a licensed physician provided by the tenant family or prospective tenant family.

(2) A “handicapped person means:

- (a) Any adult having an impairment which is expected to be of long continued or indefinite duration, is a substantial impediment of his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions; or
- (b) A person who is developmentally disabled, i.e., if he or she has a disability attributable to mental retardation, cerebral palsy, epilepsy, autism or another neurological condition found by the United States Secretary of Health and Human Resources to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, and which constitutes a substantial

handicap to such individual.

- C. Buildings, accessory buildings or portions thereof shall meet current New York State Building and Fire Codes and American National Standards Institute regulations for the handicapped.
- D. The following special restrictions and regulations apply only to Residence Senior Citizen Districts:
  - (1) The total building area, including accessory buildings, shall not occupy more than thirty (30%) percent of the total lot area. Accessory buildings shall not occupy more than five percent (5%) of the total area.
  - (2) The maximum density shall be three (3) people per unit and fifty (50) people per acre for multi-family structures. In the case where Residence Senior Housing includes one or two family dwellings or townhouses, the maximum density shall comply with 130-11, R-2 multifamily.
  - (3) The minimum habitable space shall be four hundred fifty (450) square feet for apartment units and seven hundred fifty (750) square feet for single family attached dwellings. Each dwelling unit shall contain at least one (1) bedroom, and no dwelling unit shall contain more than two (2) bedrooms.
  - (4) Building height shall not exceed the height limit of the zoning district designation in effect at the time of Residence Senior District zoning application, unless the building is preexisting.
  - (5) Building setbacks and minimum lot width shall comply with the Density Control Schedule pursuant to §130-11 for the R2 Zoning District.
  - (6) Driveways and interior roadways shall not be closer than twenty (20) feet to property lines, except for entrances and exits.
  - (7) Parking areas will conform to the village Zoning Ordinance.
  - (8) On-site parking shall be provided at a rate of not less than one (1) parking space for each one and one-half (1 ½ ) units.
  - (9) A minimum of ten percent (10%) of the parking area shall be landscaped with trees, grass, shrubs or other planting material. A complete landscaping plan indicating all proposed planting shall be part of the application.
  - (10) All utilities to the building or portions thereof or accessory buildings shall be below grade.
  - (11) No business or commercial establishments shall be permitted, except a limited general purpose store and/or snack bar for the benefit of the tenants, with a total area thereof not to exceed five hundred (500) square feet each. Coin-operated vending machines and/or coin-operated service machines shall be located in another area not to exceed four hundred (400) square feet.
  - (12) Additional site development programs may be directed by the Village Board and/or its designee for any specific site and may be required to be formalized as deed covenants and restrictions.

- (13) The Village Board may require any additional conditions which it deems necessary to protect the value of adjacent properties or to prevent any hindering of the appropriate use of adjacent land.
- (14) The Village Board may require the developer to post a performance bond to assure completion of any or all required site improvements.

Section 3. **APPLICABILITY**

It is the intent of the Village Board of Trustees through passage of this local law to make the provisions of the Zoning Law as herein amended and codified effective and applicable to all parties, persons and lands upon passage. The Village Board of Trustees expressly exempts any party, person or lands for which the following requirements have been satisfied: (1) an application has been previously filed with the Village; and (2) all application fees necessary being previously paid, and; (3) the application has been formally deemed complete by the Village of Valatie Planning Board.

Section 4. **VALIDITY AND SEVERABILITY.**

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 5. **EFFECTIVE DATE.**

This local law shall be effective in accordance with the applicable law after filing with the Secretary of State and publication of a summary thereof in the official newspaper of the Village of Valatie.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2008 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of Valatie was duly passed by the Valatie Board of Trustees on \_\_\_\_\_, 2008, it in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly

passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_,

(Elective Chief Executive Officer\*)

it in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was submitted

(Elective Chief Executive Officer\*)

to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_, it in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and (approved)(not approved)(repassed after (Name of Legislative Body) disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject to

(Elective Chief Executive Officer\*)

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, \_\_\_\_\_, it in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on

\_\_\_\_\_, \_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns \_\_\_\_\_ of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file it in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted it in the manner indicated it in paragraph \_\_\_\_\_, above.

\_\_\_\_\_  
Donna Schneider, Village Clerk

(Seal)

Date: January \_\_\_\_, 2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature : Andrew B. Howard

\_\_\_\_\_  
Acting Village Attorney  
Title

~~County~~  
~~City~~  
~~Town of~~ Valatie  
Village

Date: January \_\_\_\_, 2008